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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,115	11/13/2003	Matthew Wade Ellison		7673

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Matthew Wade Ellison
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EXAMINER

AVERY, BRIDGET D

ART UNIT PAPER NUMBER

3618

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,115

Applicant(s)

ELLISON, MATTHEW WADE

Examiner

Bridget Avery

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to because of the following informalities: claims must be presented as a single sentence. Claim 6 includes more than one sentence and includes a method in an otherwise apparatus claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 6 and 10 recite the phrase "and any other method." The phrase fails to further limit applicants claim and it is unclear as to what structure applicant is referring, thereby rendering the claims indefinite.
4. Claims 1-10, line 1, recite "A ski or snowboard". Applicant's preamble fails to positively define applicant's structure, rendering the claims indefinite. It is suggested that applicant change "A ski or snowboard" to "A gliding board—for clarity.
5. Claim 7, line 1, recite "a grind plate/s". Applicant's use of "/s" fails to positively define applicant's invention and renders the claim indefinite. It is unclear as to whether applicant is claiming a single grind plate or a plurality of grind plates.

6. Claim 7, line 1, recite "top bottom". It is unclear as to what structure applicant is referring.

7. Claim 10, line 2, recite "a grind plate/s". Applicant's use of "/s" fails to positively define applicant's invention and renders the claim indefinite. It is unclear as to whether applicant is claiming a single grind plate or a plurality of grind plates.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Bjork (US Patent 2,225,293).

Bjork teaches a ski including a tip, a tail, a top, a bottom and interchangeable edges (14, 15) that are capable of being removed in sections. Bjork teaches varying the thickness of the metal edges (14, 15) as well as varying the flexibility of the metal edges. The edges are attachable to the ski via screws (28). See column 2, lines 43-48 and column 3, lines 31-61.

9. Claims 7, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hess (US Patent 6,062,585).

Hess teaches a ski including a tip, a tail, a top, a bottom and removable grind plates manufactured of metal, steel or plastic, as taught in column 4, lines 33-36. The grind plates are connected to the ski via fastening bolts (22) as well as by tongue and groove. See column 5, lines 6-11 and Figures 7-15.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bjork ('293) in view of Tanahashi (US Patent 3,907,314).

Bjork teaches the features described above.

Bjork lacks the teaching of varying the shape of the edges.

Tanahashi teaches edges manufactured in various shapes.

Based on the teachings of Tanahashi, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the ski of Bjork to include edges manufactured in various shapes to provide edges with various deformation characteristics with impairing the flexibility of the ski to accommodate various skiing techniques and skiing conditions.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hess ('585) in view of Benner (US Patent 3,924.865).

Hess teaches the features described above.

Benner teaches a grind plates that can vary in flexibility.

Based on the teachings of Benner, it would have been obvious to one having ordinary skill in the art, to modify the grind plates to vary the thickness and flexibility of the grind plates to further modify/change the overall running characteristics, gripping power, turning properties of the ski, permitting an adaptation of the ski to the running experience of the skier and to the snow conditions.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Volkl shows a ski construction.

Dunston shows metal edging for skis.

Hohmann shows a ski edge.

Serr shows a ski edge.

13. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 703-308-2086.


Avery

March 31, 2005



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